

Notice of Allowability

Application No.

10/822,473

Examiner

L Amerson

Applicant(s)

WILLIAMS, TIMOTHY

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/18/06.
2. ☒ The allowed claim(s) is/are 25,29-34 and 36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/30/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Elizabeth Waiguchu on March 30, 2006.

The application has been amended as follows:

In the claims:

Claim 25 (currently amended)

An exercise device comprising:

an 'H' shaped rigid frame comprising a base to rest upon a floor surface, said base comprising a pair of side base bars of equal length and a transverse base bar extending between said side base bars,

said pair of side base bars each having a left side and a right side, each left and right side base bar having a front side and a rear side, said left and right side base bars generally parallel to each other where said transverse base bar comprises an elongated bar having opposing ends generally perpendicularly fixed to the midpoint of said left side base bar at one end and at the midpoint of said right side base bar at the other end,

a pair of planar posts comprising a first planar post and a second planar post wherein each said first and second planar post extends upwards in a curve, said first

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planar post levels off at a peak where said first planar post attaches to the front of the left side base bar and the second planar post levels off at a peak where said second planar post attaches to said front of said right base bar.

a rectangular sitting component frame fixed at a first side to said first planar post at a midpoint of said first planar post and said rectangular sitting component frame fixed at said first side to said planar post to an end of said first planar post, and said rectangular sitting component frame fixed at a second side to said second planar post at a midpoint of said second planar post and fixed at said second side to said second planar post at an end of said second planar post,

a horizontally disposed rectangular shaped seat secured to said rectangular sitting component frame where said seat is adjustable by moving simultaneously said rectangular sitting component frame horizontally at said first side and said second side,

a pair of parallel inclined seat support bars,

a first horizontally disposed bar secured to said pair of planar posts,

a second horizontally disposed bar secured to said pair of parallel inclined seat support bars,

a seat restraint selectively attached to said rectangular sitting component frame to prevent a user from sliding off the seat during abdominal exercises.

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Claim 29 (currently amended)

The exercise device according to claim 25 wherein said first horizontally disposed bar further including a pair of opposing ends, wherein a first horizontally disposed bar first opposing end is secured to said first planar post and said first horizontally disposed bar second opposing end is secured to said second planar post, said first horizontally disposed bar having an inner member and an outer member whereby said bar restrains movement of a user's feet during abdominal exercises by placing the feet of a user behind said bar.

Claim 30 (currently amended)

The exercise device according to claim 25 wherein said rectangular sitting component frame includes a means for attachment to said first planar post at said peak and a means for attachment to said second planar post at said peak.

Claim 31 (currently amended)

Lines 6, 8, 11 and 13, "at a 45 degree angle" has been cancelled.

Claim 33 (currently amended)

Line 2, "a member" has been changed to –an inner member and an outer member".

Line 5, INSERT after "exercise." –, said bar rigidly secured perpendicularly to said pair of inclined seat support bars.—

Claim 36 (currently amended)

Line 4, "restrain is a" has been changed to --restraint comprises a--.

Cancel claims 26-28, 35 and 37-46

2. The following is an examiner's statement of reasons for allowance: Although the prior art of Seidentop et al shows a gravity traction apparatus having an adjustable frame with a generally rectangular seat and a pair of inclined supports; Washington shows a device having an H-shaped frame; Fitzpatrick shows an exercise stand having an H-shaped frame, inclined supports and a rectangular seat; Breibart et al shows a pilates chair having a base, rectangular seat supported by a plurality of posts; but, the prior art of record fails to teach or suggest an obvious combination of an exercise device having a pair of planar posts comprising a first planar post and a second planar post wherein each post extends upwards in a curve, and levels off at a peak where the first planar post attaches to the front of the left side base bar and the second planar post levels off at a peak where the post attaches to the front of the right base bar, and a
a rectangular sitting component frame fixed at a first side to the first planar post at a midpoint of the first planar post and the rectangular sitting component frame fixed at the first side to the planar post to an end of the first planar post, and the rectangular sitting component frame fixed at a second side to the second planar post at a midpoint of the second planar post and fixed at the second side to the second planar post at an

end of the second planar post, where a horizontally disposed rectangular shaped seat is secured to the rectangular sitting component and the seat is adjustable by moving simultaneously the rectangular sitting component frame horizontally at the first side and second side, and further having a pair of parallel inclined seat support bars, and a first horizontally disposed bar secured to the pair of planar posts, and a second horizontally disposed bar secured to the pair of parallel inclined seat support bars as recited in claim 25.

3. Note the similar references on Form 892. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Lori Amerson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lori Amerson